

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHER DIVISION

DANIEL H. JERROLDs,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No: 10-CV-15095-DT

HONORABLE DENISE PAGE HOOD

ORDER ACCEPTING REPORT AND RECOMMENDATION
ON CROSS-MOTIONS FOR SUMMARY JUDGMENT
and DISMISSING ACTION

This matter is before the Court on Magistrate Judge Mark A. Randon's Report and Recommendation filed December 11, 2011. The time to file Objections has passed and to date, no Objections have been filed to the Report and Recommendation.

Judicial review of the Commissioner's decision is limited in scope to determining whether the findings of fact made by the Commissioner are supported by substantial evidence, and deciding whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if supported by substantial evidence, even if the record might support

a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1989); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986) (quoting *Baker v. Heckler*, 730 F.2d 1147, 1150 (8th Cir. 1984)).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court agrees with the Magistrate Judge that the ALJ did not err in applying the Medical-Vocational Guidelines, known as the “Grid” when the ALJ determined at step five of the Grid that Plaintiff was not disabled. The Court further agrees with the Magistrate Judge that the ALJ’s decision was supported by substantial evidence on the medical record. The Court also agrees with the Magistrate Judge that contrary to Plaintiff’s argument, the ALJ considered and weighed the evidence submitted by Plaintiff’s primary physician, Eugene N. Chardoul, M.D. The Court finds that the Magistrate Judge was correct in concluding that the ALJ properly discounted Dr. Chardoul’s opinion based on the ALJ’s review of the medical record. The ALJ found that Dr. Chardoul’s opinion of disability was inconsistent with the medical record and Plaintiff’s own statements about his daily activities.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Mark A. Randon filed December 11, 2011 (**Doc. No. 12**) is ACCEPTED and ADOPTED as this Court’s findings and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff’s Motion for Summary Judgment (**Doc. No. 8, filed June 9, 2011**) is DENIED.

IT IS FURTHER ORDERED that Defendant’s Motion for Summary Judgment (**Doc. No. 11, filed August 10, 2011**) is GRANTED. The Commissioner’s decision is AFFIRMED.

IT IS FURTHER ORDERED that this action is DISMISSED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: January 31, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 31, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager